



## PLANNING COMMISSION STAFF REPORT MAY 25, 2006

- Project:** CCC MEDICAL BUILDING- (PLN2006-00059)
- Proposal:** To consider a Rezoning of a 0.51-acre site from C-O, Administrative Office District, to P-2006-59, Preliminary and Precise Planned District, in conjunction with a Finding to increase the maximum building height/floor area ratio (FAR), including a 14 space parking reduction, for the development and use of a new 14,334 square foot medical facility in the Central Planning Area.
- Recommendation:** Recommend to City Council, based on findings, subject to conditions.
- Location:** 2333 Mowry Avenue, 2426 Dyer Lane, and 38787 and 38775 Stivers Street in the Central Planning Area.
- APN(s): 501-1581-014-01, 501-1581-016-02,  
501-1581-017-02, 501-1581-018-06.  
(See aerial photo next page)
- Area:** 14,334 square foot proposed building on a 0.51-acre lot
- People:** Jain and Reddy, Inc., Applicant  
Kartik Patel, Architect and Agent of Applicant  
E<sub>2</sub>C, Inc., Environmental Assessment Consultant  
Crane Transportation Group, Parking Study Consultant  
Jain and Reddy, Inc., Owner  
Clifford Nguyen, Staff Planner (510) 494-4769; [cnгуyen@ci.fremont.ca.us](mailto:cnгуyen@ci.fremont.ca.us)
- Environmental Review:** A Mitigated Negative Declaration has been prepared and circulated.
- General Plan:** Office Commercial
- Zoning:** Existing: C-O, Administrative Office District  
Proposed: P-2006-59, Preliminary and Precise Planned District

### **EXECUTIVE SUMMARY:**

To consider a request by Jain and Reddy, Inc. ("Applicant") for a Planned District, P-2006-59, to construct one 14,334 square foot medical office with a podium garage and associated landscape/parking lot improvements on a 0.51-acre site at the west corner of Stivers Street and Mowry Avenue (across from Washington Hospital West). In conjunction, the applicant also requests a Finding to allow an increase in the permitted floor area ratio/building height and a 14 space parking reduction. The Planned District and Finding ("Proposed Project") are proposed as a means to effectuate a precise development plan for the site, which includes certain exceptions to standards that apply to the site's existing zoning designation of Administrative Office District. The intended use of the proposed project is to accommodate medical offices for a team of cardiologists. Approval of the project, including a reduction in the overall building size (to no greater than 11,700 s.f.) is recommended, as conditioned.

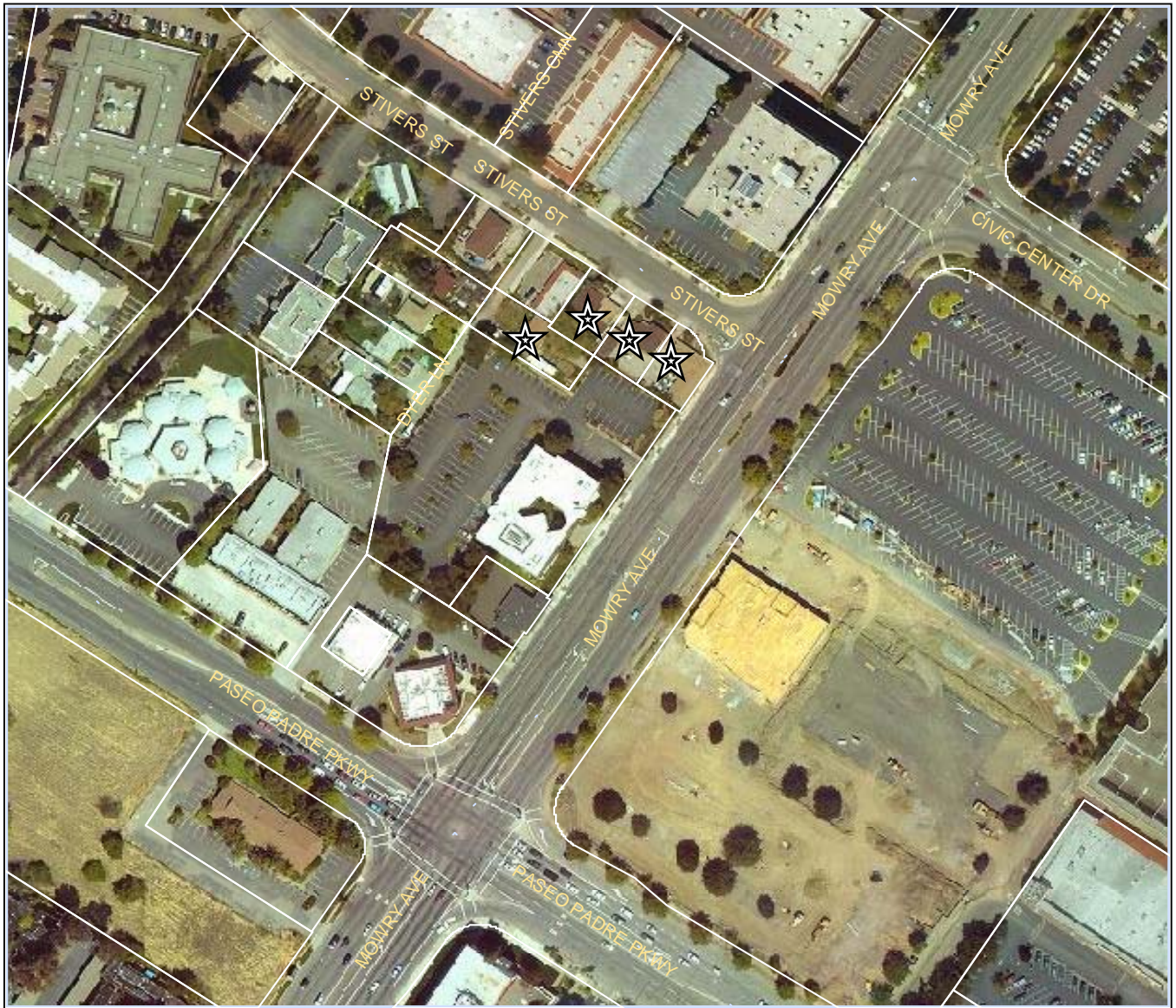


Figure 1: Aerial Photo (2002) of Project Site and Surrounding Area.



**SURROUNDING LAND USES:**

- North: Stivers Street and Offices for health services
- South: Mowry Avenue and Retail stores
- East: Mowry Avenue and Washington Hospital
- West: Dyer Lane Associated parking lot for a medical office

## **BACKGROUND AND PREVIOUS ACTIONS:**

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Four vacated structures (circa 1950's) exist on the project site, including associated concrete paved parking areas, which were previously occupied as residences. In January 2005, a preliminary historic assessment of the project site concluded that the project site, its structures and setting—now decisively given way to professional office uses—have been significantly altered from its previous neighborhood character and setting.

In December 2005, the Parcel Map Administrator approved a Lot Combination (PLN2005-00137) which combined the four parcels, creating the 0.51-acre project site. The four vacated structures and their associated improvements are proposed for removal, and the site will be cleared to accommodate the proposed project.

In August 2005, the City received an application for a Planned District Rezoning. The application included a request for exceptions to certain general development standards, namely parking and building development standards. A Finding application was recommended to be included as part of the application for the project.

## **PROJECT DESCRIPTION:**

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The proposed project is a Preliminary and Precise Planned District, P-2006-59 (hereinafter "Planned District") and Finding to allow the development of a new medical office facility particularly designed for the 0.51-acre site. The new facility is proposed to provide offices to perform outpatient procedures for a team of doctors who are affiliated with Washington Hospital. The Applicant states that due to the high cost of acquiring the four parcels to create the project site, the optimal opportunity to develop additional medical offices in the City's core medical area (adjacent to the CBD), land scarcity and site conditions, among others, warrants the approval of the exceptions that are requested (see Informational 1). Approval of the Planned District and Finding will allow the Applicant to develop the site with the proposed project.

The project proposal is summarized, as follows:

1. A 14,334 s.f. facility approximately 36 feet in height (with a 4-foot parapet), including two levels of office area above, at-grade podium garage with an entrance lobby, elevator and two stairwells.
2. The lower office area includes four speculative office suites; the upper office area includes 16 exam rooms, 3 doctor's rooms and other ancillary rooms.
3. A total of 47 parking spaces (27 compact) with associated landscaping.
4. Pedestrian access to the new facility is proposed on Stivers Street via a stairwell at the podium garage and formally at the corner of Stivers Street and Mowry Avenue via a front entrance lobby.
5. Exceptions to general development standards include:
  - a. A 14 space parking reduction and increase in the amount of compact spaces from the permitted 35% to 57%.
  - b. An increase in the floor area ratio (FAR) from the permitted 0.30 FAR to a 0.64 FAR.
  - c. A minor increase in the building height from 35 feet to 36 feet.
  - d. Minor building encroachments into yard areas of 3 feet on upper, cantilevered levels adjacent to interior lot line; and 5 feet on an upper, cantilevered section and enclosed stairwell adjacent to Stivers Street.
  - e. A reduction in minimum planter area widths within the parking lot.

## PROJECT ANALYSIS:

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### ***General Plan Conformance:***

The existing General Plan land use designation for the project site is Office Commercial. Offices/clinics of doctors or health practitioners are permitted, particularly when adjacent to Washington Hospital, consistent with the existing General Plan land use designation which states, "medical uses should be located near Washington Hospital...to facilitate ease of access between medical facilities and concentration of medical uses." (Policy LU 2.37). In addition, the proposed project meets the following goals:

- A hierarchy of well defined, vital commercial areas meeting...service needs of Fremont residents (Goal LE 3); and,
- Commercial Development focused in well defined commercial areas (Land Use Goal 2).

### ***Zoning Regulations:***

Pursuant to Article 18.1 [P PLANNED DISTRICT] of the Fremont Municipal Code (FMC), the purpose of a Planned District is to provide a means for effectuating desirable development through permitting flexibility in siting and building design. The project amenities and compatibility of the proposed Planned District is insured through the adoption of a precise plan. The Planned District process can be considered as an alternate process to accommodate unique developments, which create desirable, functional and compatible uses under controlled conditions of a development plan.

The Planned District process may incorporate other land use entitlements, such as the Finding proposed. Pursuant to Article 25.2 [Findings], a Finding procedure provides a method for making determinations regarding increases in floor area ratios (FAR), building height, reductions in required yard areas and reductions in required parking. While the Community Development Director may consider these requests, the proposed Finding is referred to the Planning Commission and the City Council for approval, as it must also be considered in the overall context of the approval.

While the Planned District (and Finding) requested is to create a new zone with its own development standards adopted under a precise plan, it is helpful to compare the project to what would traditionally be required in the Administrative Office Commercial (C-O) District. In combination, the Planned District and Finding are evaluated below, including a table and an analysis of the proposed project's compliance with, or deviation from, City standards.

<b>Development Standard</b>	<b>C-O District Standard</b>	<b>Proposed Project/Standard</b>
<b>Land Use</b>	Permitted office uses, including health services per Sec. 8-2901	Same uses permitted in C-O District.
<b>Floor Area Ratio (FAR)</b>	0.30 FAR	0.64 FAR
<b>Building coverage of site by building</b>	None (no standard)	Same
<b>Building Height</b>	35 feet	36 feet (including height of parapet 40 feet <sup>1</sup> )



Development Standard	C-O District Standard	Proposed Project/Standard
<b>Yard Areas Adjacent to Street Width</b>	15 feet	14 feet with 5-foot cantilevered encroachments of upper level sections and 5-foot encroachment at second stairwell adjacent to Stivers St.; 15 feet adjacent to Mowry Avenue
<b>Interior Side Yard Width</b>	10 feet	10 feet with 3-foot cantilevered encroachments on upper level sections
<b>Parking Spaces</b>	61 spaces <sup>2</sup>	47 spaces (27 spaces compact due to parking stall size dimensions)
<b>Landscaping Areas</b>	Planters must be six feet in width free of inorganic material	Varies with some planters less than 6 feet in width
<b>Minimum Lot Area</b>	10,000 s.f	22,376 s.f.

<sup>1</sup> Sec. 8-22201 [Height limits.] permits parapet walls (used to screen mechanical equipment) to extend no more than four feet above height of building are not counted as part of the measured building height.

<sup>2</sup> Main lobby entrance, janitor/mechanical room and secondary stairwell areas excluded from calculation.

#### *Parking:*

The Fremont Municipal Code (FMC) sets the parking requirement for a health services, including medical offices at 1 space per 200 square feet of gross floor area.

Pursuant to Section 8-2147 [Floor area or gross floor area] of the FMC, "gross floor area" means, "the sum of the areas of all the floors of a structure or structures on a single parcel...as measured by the exterior faces of the walls, minus any area within the structure or structures devoted to parking, *atriums*, enclosed malls (other than rental spaces) *and similar uses*." For the purpose of calculating required parking, if the areas of the entrance/elevator lobby (where no benches or waiting areas are proposed), janitor room and second stairwell are considered to fall under the definition of an "atrium or similar use", then the proposed project would require 61 parking spaces at the parking ratio of 1:200.

Applicant's Proposed Parking Facility		
<b>12,265 s.f. facility<sup>1</sup></b>	Required Parking: 1 space per 200 s.f.	Proposed Parking
	12,265 s.f. X 1 space/200 s.f. = 61	47 spaces

<sup>1</sup> Excludes entrance/elevator lobby, second stairwell at rear and janitor/mechanical room.

In calculating the parking requirements for health services in Fremont, 1 space per 200 square feet of gross floor area rule applies, with some permitted exclusions. This 1:200 ratio is generally consistent

with most neighboring cities; however, some cities only count "rentable" floor area (Walnut Creek) and/or have a slightly lower parking requirement, such as 1 space per 225 square feet (Sunnyvale) or 1 space per 250 square feet (San Jose and Palo Alto). In addition, some of these cities, such as Walnut Creek, Palo Alto and Mountain View, allow more flexibility through parking assessment districts and in-lieu parking fees, which are not currently options for the applicant.

Although the site is not within the area described in the Central Business District (CBD) Concept Plan, it is immediately on the edge of its boundary in the downtown area, within 1/2 mile of Fremont BART and in the core medical area adjacent to Washington Hospital. The CBD Concept Plan contains an implementation measure to permit parking reductions when the project site is located within 1/2 mile of the Fremont BART station and/or structured parking is proposed. The implementation measure does not technically apply to the site, but development the site could further supplement the Plan's goals, removing a blighted site and replacing it with a new medical building, providing a good street presence, 1/2 mile from BART with a parking garage.

Crane Transportation Group prepared a parking study (Informational 3) which included a survey of several medical parking facilities in the area. In addition, on-street parking on neighboring streets was surveyed. The survey was conducted on a weekday (Thursday, 4/27/2006). Based on this study, the consultant believes that the one-day count is sufficient in providing a good representation of the parking demand for this area and, in their opinion, the area surveyed was verified to be within a 5-minute walking distance of the project site. In conclusion, the study indicates that there is available parking (on-street and adjacent off-street parking facilities) during the time of peak occupancy (around 11 a.m.-when 83% of total available parking was occupied).

While the parking study includes a survey of adjacent off-street parking facilities used by existing medical practitioners, these facilities are privately owned and maintained. Adjoining property owners have indicated concerns regarding the proposed parking reduction and would object to allowing patients from the proposed facility to park on their properties. Additionally, pursuant to the FMC, without a joint parking agreement, the available parking spaces on adjoining property cannot be considered. As a result, only 108 parking spaces, excluding the furthest on-street spaces on Parkside Dr., are available to the public and within practical walking distance to the project site (Stivers St., Mowry Ave., Country Dr.). Of these 108 on-street spaces, the survey indicates that 87 spaces were occupied during the peak time of 11 a.m. on the day surveyed.

According to building permit records and an evaluation of surrounding sites, some sites were developed with less than the required 1:200 parking ratio, which remains unchanged since its adoption. For instance, the majority of the area on the north corner of Stivers Street and Mowry Avenue (Washington Outpatient Surgery Center and adjoining buildings) that developed over time with reciprocal joint use of parking facilities was permitted a reduce parking ratio of 1 space per 250 square feet for the overall area. According to the parking survey, a total of 602 parking stalls are provided in this area (indexed as #7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 25 and 26) with 496 spaces (or 82.3%) occupied during the 11 a.m. peak time observed. Other similar but smaller facilities, such as the adjoining building northwest of the project site (2410 Dyer Lane), were also permitted parking reductions.

Based on the above considerations, staff recommends that a reduced parking standard of 1 space per 250 square feet be applied to the project's gross floor area without permitting any exclusion (i.e., all floor areas—the front lobby, second stair well and janitor rooms—should be included in the calculation).

Based on this reduced standard and 47 parking spaces proposed, the proposed facility should not exceed a gross floor area of 11,750 square feet (47 spaces proposed X 250 s.f. /1 space = 11,750 s.f.). This reduced standard is consistent with the 1:250 parking standard applied to developments largely to the north. The recommended findings to support the parking reduction are, as follows (also enclosed in Exhibit "C"):

1. Based on the evidence provided, and a comparison of similar medical office uses in the immediate vicinity of the project site where parking reductions and/or a reduced parking standard was applied, a reduced parking ratio standard of 1 space per 250 square feet of gross floor area (i.e., all floor areas without exclusions) will not cause a significant impact on surrounding properties.
2. Due to a condition requiring the applicant to reduce the building size by 2,584 square feet, resulting in a building gross floor area of no larger than 11,750 square feet and application of a 1 space per 250 square feet parking ratio, the 47 off-street spaces proposed will adequately provide parking for the proposed use (Condition A-1).
3. Due to the site's proximity to alternative transportation (within 1/2 mile of Fremont BART and on an AC Transit bus service line), the recommended 1 space per 250 square feet parking ratio will provide sufficient parking as alternative transportation is a convenient option for employees and the facility's patients.

#### *Compact Parking:*

A 35% compact parking percentage is permitted for commercial development. The applicant proposes an increase in the permitted compact parking for the project site to 57%. The percentage is relatively high because the stalls at the rear parking area (stalls #33 through #43), while meeting the 9-foot width dimension, are 1-foot short in length (16 feet is proposed where 17 is required). Through some site redesign, these stalls may be able to be converted into standard-sized stalls. This may be achieved by converting stalls #13 and #12 to compact and reducing the planter width adjacent to the trash enclosure and motorcycle parking by one foot (Condition B-6). If these modifications can be made, the amount of compact parking can be reduced by 9 spaces, with an overall 38% compact parking count. Staff recommends this minor increase.

#### *Floor Area Ratio:*

The FMC establishes a floor area ratio (FAR) of 0.30 for the Administrative Office District. FAR is the measurement of building intensity determined by the ratio of gross floor area to net lot area. The proposed building is 14,334 square feet and the net lot area is 22,376 s.f. Based on the proposed project gross floor area and net lot area, a 0.64 FAR is proposed (14,334 s.f. / 22,376 s.f.) or 113% increase. As previously mentioned the site is on the edge of the Central Business District, 1/2 mile from Fremont BART. The Central Business District permits a 0.80 FAR for sites 1/2 mile from Fremont BART. While staff is not supportive of the 0.64 FAR proposed, staff is supportive of a 75% increase in the FAR (or a structure of no greater than 11,750 s.f.) or a 0.52 FAR, consistent with the recommended size of the building mentioned above. Pursuant to Sec. 8-22140.5 [Floor area ratio (FAR), increases in.], findings are recommended to permit the 0.52 FAR for the project site enclosed as Exhibit "C".

There will be a provision in place guaranteeing the increased FAR will not be used to create a more intensive use than the uses specified by the approved finding. As conditioned, a Land Use Declaration (LUD) will set forth specific provisions and restrictions to ensure that the proposed parking facility for the site is capable of accommodating the intended use and prohibits further building expansions, unless parking (as well as mitigation of other impacts) can be met pursuant to the Fremont Municipal Code (Condition A-12).

#### *Building Height/Yard Area Encroachments:*

The maximum building height for the Administrative Office District is 35 feet. The proposed building height is 36 feet in height (excluding the permitted 4-foot roof parapet used to screen mechanical equipment). The one-foot height increase, resulting in a perceived 40-foot tall structure, is minor exception and is recommended, as the proposed structure's height is consistent with adjoining structures with frontages on Mowry Ave.

Minor reductions in yard area widths are also proposed. A reduced yard width (or building setback) adjacent to Stivers St. is proposed from 10 to 14 feet, where 15 is required; and, a reduced interior side yard of 7 where 10 feet is required. The reduced yard widths are a result of proposed, cantilevered sections of the building design and a second stairwell. These elements help reduce the scale and bulk of the building through wall plane variations.

Staff is supportive of the minor building height and yard width reductions. A recommended finding to allow these minor exceptions is included as part of Exhibit "C".

#### *Design Analysis:*

##### *Site Planning:*

The project site was formerly comprised of four separate parcels, combined in Dec. 2005 to form the 22,376 square foot project site. The project site is irregularly shaped, relatively flat and has frontage on Mowry Ave., Stivers St. and Dyer Ln. The applicant states that previous efforts to acquire additional, smaller adjoining lots on Dyer Ln. to create a larger project site failed. The project site is bounded to the north by medical office uses, to the east by Mowry Ave. and Washington Hospital, to the south by Mowry Ave. and medical offices (Washington West) and retail, to the west by a parking lot of an adjoining medical facility and legal nonconforming residences on Dyer Lane (a pre-City private street). Just outside on the edge of the Central Business District, the development of the site will have a strong presence on Mowry Avenue.

The project site does not appear to be encumbered by any public or private easements. The site, however, does have a beneficial access easement within the area of the private street, Dyer Ln. The proposed building layout is appropriately situated to provide a strong connection to the street and improvements on Mowry Avenue and Stivers St. An at-grade podium garage is proposed, along with at-grade parking at the rear of the site. A circulation system is proposed with one entrance on Stivers Street and two points of egress, one on Stivers St. and one on Dyer Ln. Bicycle parking flanks the entrance to the secondary stairwell.



As conditioned, staff finds the site design appropriate for the irregularly shaped project site. However, two recommendations are included below to improve the site design:

1. Special paving should occur at all driveway entrances to break-up the expanse of asphalt proposed in the garage and at the rear of the site (Condition B-1).
2. The proposed bicycle parking flanking the entrance to the secondary stairwell adjacent to Stivers St. should be relocated where to allow clear pedestrian access to the second entrance (Condition C-6).

#### *Architecture:*

The proposed architectural design of the structure is contemporary and designed to be compatible and in scale with adjoining structures in terms of siting, height and 3-story massing. According to the architect, the building's design will implement the principles of green architecture and energy conservation. The structure's architecture utilizes design elements, such as stucco to predominately keep the main exterior cladding consistent with surrounding buildings, limestone and marble banding to provide stronger articulation, and slate-clad (sandstone in an alternating rough and smooth surface finish) tapered walls to accentuate the base of the building. A combination flat and barrel-shaped/shed standing seam metal roof system is proposed. In addition, metal bracket awnings and a unique window system with asymmetrical panes (slanted mullions) complete the structure. The architect's design statement is included as an enclosure (Informational 1).

Some minor modifications to the building design can further enhance the design character of the building proposed:

1. The window system could be recessed at least 4 inches to give an impression of wall thickness and solidity, while also creating increased shadow lines (Condition C-2).
2. An architecturally integrated and substantial metal overhead protective barrier should be installed at the two openings providing vehicular entrance/exit to protect the building from accidental damage that may be caused by larger vehicles (Condition C-3).
3. The metal awnings should be changed to glass awnings (such as a light bronze glazing to reduce heat and UV light transmission) to create a more striking element on the building (Condition C-4).
4. Architecturally treated low screen walls could be included at the base of the building at its openings on the north elevation facing Stivers St. to screen parked cars within the at-grade podium garage. Including the screen walls will not only further accentuate the base of the building but will also help anchor the building, providing a stronger connection to the street (Condition C-5).

#### *Open Space/Landscaping:*

The preliminary landscape plan is acceptable. Approximately 4,500 square feet of the site will be landscaped. Street improvements, consisting of trees shrubs, groundcover, sidewalks, etc., will be required on Stivers St., Mowry Ave. and Dyer Ln. While some planter areas do not conform to the minimum 6-foot width requirements, particularly at the proposed rear parking area, an exception to the standard is supported due to the non-conforming lot width at the rear of the site. A variety of trees, shrubs and ground covers are proposed to enhance the site. To create color and interest, the trees and shrubs include: Strawberry Tree, London Plane, Ornamental Pear, Lily-of-the-Nile, Daylily, Heavenly Bamboo, Shrubbery Yew Pine, among others. At the entrance, special paving is proposed flanked by a variety of shrubs and London Plane trees. Finally, a raised concrete planter/tree well and seat wall is proposed to include a tree and flowering annuals for added color.

### *Landscape Architect's Review of Tree Removal:*

The 0.5 acre project site contains a total of five existing trees, including a Chinese Pistache which is a City street tree on Stivers. The remaining four trees are: 1 *Acer negundo* (Box Elder) 30" dbh, 2 *Pinus radiata* (Monterey Pine) 18" dbh and 11" dbh, and 1 *Juniperus chinensis* (Hollywood Juniper) 6" dbh. Additionally, there are 5 trees growing closely adjacent to the project site, one of which will be impacted by the construction work that is proposed, and is discussed below.

All of the four onsite trees are designated for removal. The existing street tree, a Pistache, on Stivers will be preserved. All four trees onsite were found to be in poor to fair condition as a result of having been poorly maintained, and then neglected from the time the properties have been vacated. The largest of the four trees is the 30" Box Elder, a riparian tree in fair condition. The species is known to host box elder bugs and is subject to breakage owing to its fast growing habit. This tree is considered to have poor suitability for preservation.

Mitigation for the removal of these trees shall be the installation of a total of four London Plane Trees (24" box) along Stivers and Mowry (two on each street); and a 36" box size specimen tree planting in a circular seat planter at the corner entry plaza. The planting area shall be a minimum of 6' in diameter and the specimen tree shall be a multi-stem Crape Myrtle 'Tuscarora' or *Acer palmatum* 'Sango Kaku'. Additionally, the project is required to meet the City's Landscape Development Requirement standards for trees at the perimeter of parking areas. To this end, the project shall provide for triangular planters to maximize tree planter space along perimeter planting areas less than the required 6'. No less than 16 new trees are proposed for the parking area perimeter.

Along the western boundary of the parking area accessed from Dyer Lane is a 20" Walnut tree in poor condition. The tree is situated on just the other side of the property line and contains much dead wood in its canopy. It is highly unlikely that the tree will survive the impact from the construction of the parking area barely less than four feet away. Staff recommendation is for the removal of this tree with the consent of the adjacent property owner, and the installation of a replacement tree of 24" box size in the near vicinity.

### *Street Right-of-way and Improvements:*

Mowry Avenue: The project includes frontage on Mowry Avenue, a six-lane arterial as designated by the General Plan. The existing street right-of-way and improvements were partially completed in the late 1960's, as part of public works project, and later modified in 1978 with Local Improvement District 30. Due to conflicts with the existing building on the corner parcel, the full right-of-way and street improvements could not be established. The project proposes the demolition of the existing buildings, therefore the street right-of-way and improvements can be completed with the project.

The applicant shall dedicate street right-of-way install complete street improvements along the Mowry Avenue project frontage. Right-of-way, approximately five feet (5') wide, shall be dedicated to establish a half-street width of sixty-four feet (64') from Mowry Avenue centerline to property line. Right-of-way dedication at the intersection with Stivers Street shall result in a minimum forty-foot (40') property line radius. The precise right-of-way dedication shall be determined during the Development Organization review.

As part of the planned district, the applicant shall remove the existing curb, gutter, sidewalk, and asphalt berm along the Mowry Avenue frontage and construct new curb, gutter, ten-foot (10') wide sidewalk, asphalt pavement conforms, and install street trees. The project shall also install a new curb ramp along the frontage at the Stivers Street intersection.

**Stivers Street:** The project site includes three existing buildings with frontage on Stivers Street, a two-lane collector street. The existing right-of-way and street improvements conform to collector street standards, however the proposed office project includes removal of the existing shared driveways and construction of two new driveways. As part of the planned district, the applicant shall remove the existing curb, gutter, and sidewalk, and construct new curb, gutter, sidewalk, and install street trees, all the while preserving the existing Chinese Pistache Tree.

**Dyer Lane:** The project site includes street frontage on Dyer Lane. Dyer Lane is a private road easement across eight properties. The applicant shall widen the existing easement by two feet (2') along the project frontage. The easement widening is consistent with the adjacent office building at the Dyer Lane and Stivers Street intersection. The improvement of Dyer Lane, as described below, is a necessary and critical component to the traffic circulation system for this project.

As part of the planned district, the applicant shall install complete private street improvements on Dyer Lane to serve the proposed project. Dyer Lane shall be improved from Stivers Street to the southeastern boundary of the project site. Required street improvements include installation of curb, gutter and sidewalk along the project frontage, to conform to the adjacent improvements. The street shall be paved a minimum width of twenty feet (20') to Stivers Street, a length of approximately one-hundred forty feet (140'). Twelve feet (12') of the pavement width shall be located on the project parcel, while the other eight feet (8') is located within the easement on the two properties across Dyer Lane. To accommodate the required pavement width, the applicant shall relocate the existing utility poles that are currently within the existing easement.

***Applicable Fees:***

This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. All applicable fees shall be calculated and paid at the fee rates in effect at the time of building permit issuance. At that time, an impact fee credit for the existing structures on the project site will be given.

***Environmental Review:***

An Initial Study (Informational 4) and Draft Mitigated Negative Declaration have been prepared for this project. The environmental analysis identified concerns regarding potential impacts to air quality, hydrology and water quality and transportation/traffic. The Draft Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures have been included as conditions of approval for this project. A more detailed description of the potential impacts is provided within the Initial Study for the project, which is included as an enclosure.

The initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval, as required by

Public Resources Code section 21089 (see attachment to Draft Mitigated Negative Declaration). The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

***Comments Received on Proposed Draft Mitigated Negative Declaration:***

A letter from David Beretta and email from Dr. William Nicholson were received in opposition of the project and in contention that the project as proposed (14,334 s.f.) would have a significant impact on surrounding properties, particularly as it relates to causing a parking congestion on neighboring on-street and off-street parking facilities, requiring the preparation of an Environmental Impact Report. Additional comments were also received from neighbors on Dyer Lane who opposed to the private street being used for part of the project site's circulation plan. All correspondence received to date has been enclosed (Informational 5).

Mr. Beretta and Dr. Nicholson contend that because the project as proposed does not provide enough parking (citing 72 spaces), violates existing Zoning regulations and is likely to cause a significant impact, the Mitigated Negative Declaration prepared by Staff is insufficient. Both parties specifically request the preparation of an Environmental Impact Report (EIR). In order to require the preparation of an EIR, there must be substantial evidence in the record that the proposed project will have a significant effect on the environment for an EIR to be required. If a project can be conditioned or mitigated such that the project's impacts are less than significant, a Mitigated Negative Declaration may be adopted. Staff has utilized a Mitigated Negative Declaration for this project because impacts, especially those related to the parking and circulation concerns raised by the neighbors, can be mitigated to a less than significant level. A mitigation measure is included to either require to implement a parking program and/or to appropriately reduce the size of the building so that the planned parking facility is sufficient to accommodate the medical office use. Based on a review conducted by the City's Traffic Division, no traffic mitigation measure is necessary because the estimated net project trips (44 additional PM peak hour trips or a 1.7% increase) would not create an impact on nearby streets or intersections. Staff conducted a level of service (LOS) analysis at the intersections of Mowry/Stivers, Mowry/Paseo Padre, Paseo Padre/Country, and Country/Stivers. The proposed subject will not have a significant impact on the LOS at these four intersections. Full street improvements within the private street of Dyer Lane are required, as conditioned.

Based on evidence presented at the hearing, the Planning Commission may determine that there is no substantial evidence that there will be a significant impact which cannot be mitigated to a less than significant level with the conditions and mitigations imposed on this project, and that no further environmental review is required. This determination does not limit the Planning Commission's discretion to otherwise recommend denial of the project based on the aforementioned issues raised by the neighboring property owners and residents.

**PUBLIC NOTICE AND COMMENT:**

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Public hearing notification is applicable. A total of 138 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on 5/12/2006. A Public Hearing Notice was published by The Argus on 5/11/2006.

Comments were received from neighboring business/residential owners and tenants as mentioned above.

## **ENCLOSURES:**

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### ***Exhibits:***

- Exhibit "A" Rezoning Exhibit
- Exhibit "B" Site Plan, Architectural Elevations, Floor Plans, Building Sections, Preliminary Landscape Plan
- Exhibit "C" Findings and Conditions of Approval  
Mitigated Negative Declaration

### ***Informational Items:***

1. Applicant's Planned District Justification and Architectural Statement
2. Applicant's Parking Reduction Justification
3. May 2006 Crane Transportation Parking Survey
4. Initial Study
5. Public Correspondence

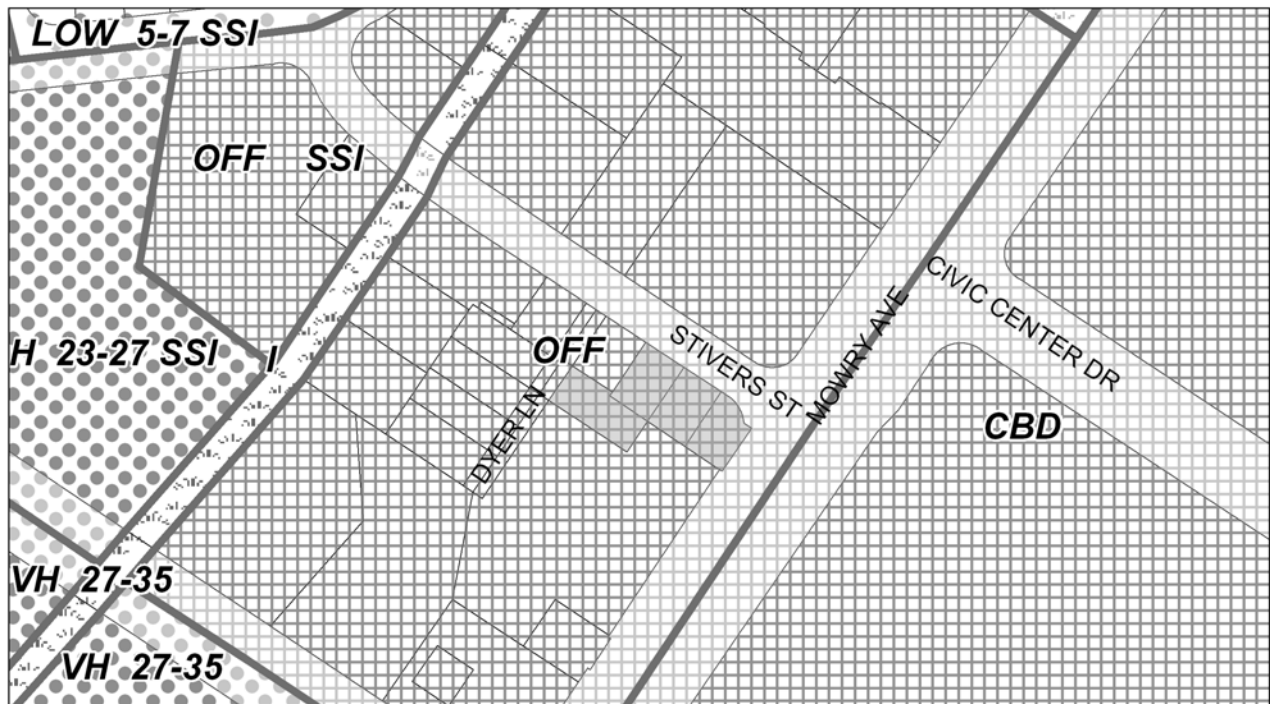
### ***Supplemental Hearing Materials:***

6. Color and Material Board

## **RECOMMENDATION:**

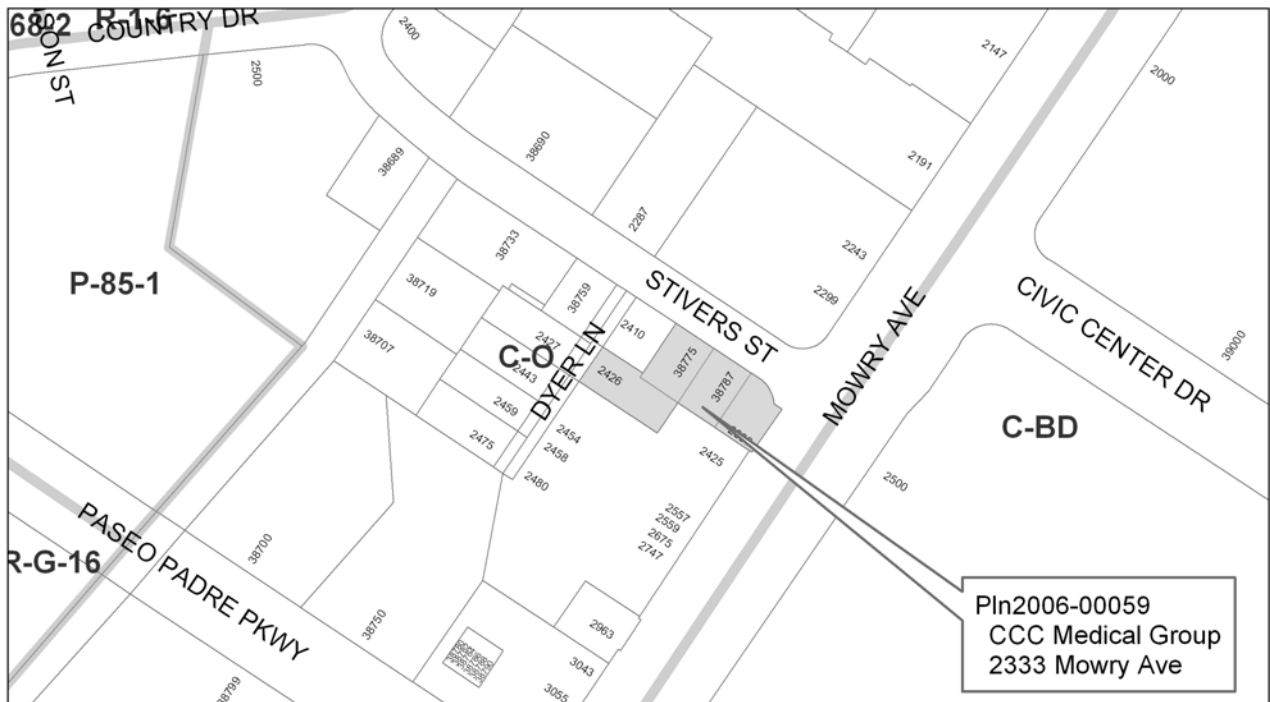
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1. Hold public hearing.
2. Recommend the City Council find the initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Recommend the City Council adopt a Mitigated Negative Declaration and recommend the use of a Certificate of Fee Exemption and find these actions reflect the independent judgment of the City of Fremont.
4. Find PLN2006-00059 (Planned District and Finding) is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use Chapter as enumerated within the staff report.
5. Find PLN2006-00059 (Planned District and Finding), as per Exhibit "B" (Site Plan, Architectural Elevations, Floor Plans, Building Sections, Preliminary Landscape Plan), fulfills the applicable requirements and provisions to allow flexibility from general standards as set forth in the Fremont Municipal Code.
6. Recommend to the City Council the preliminary and precise site plan for PLN2006-00059 as shown on Exhibit "A" (Zoning Exhibit) and Exhibit "B" (Site Plan, Architectural Elevations, Floor Plans, Building Sections, Preliminary Landscape Plan) be approved, based upon the findings contained in this report and subject to the conditions of approval set forth in Exhibit "C".



Existing Landuse

0 125 250 500 Feet



Existing Zoning

0 125 250 500 Feet



# EXHIBIT "A"

Attached to and made a part of

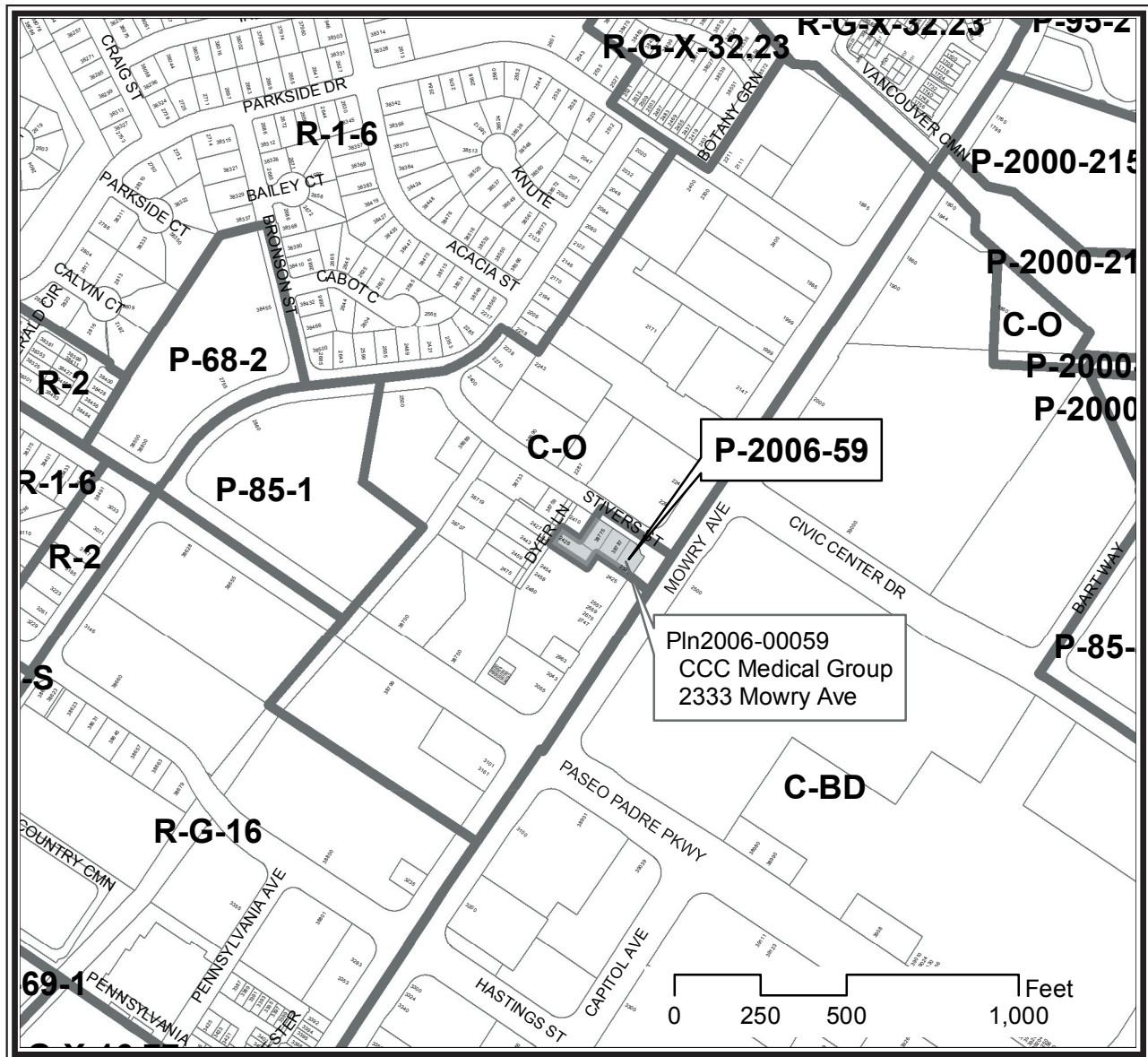
**Ordinance No.** \_\_\_\_\_

adopted by the City Council of the City of Fremont, California

On the \_\_\_\_\_ day of \_\_\_\_\_, 2006 .

## ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE CENTRAL PLANNING AREA



From: C-O

To: P-2006-59

Project Name: CCC Medical Group

Project Number: PLN2006-00059 PD



**EXHIBIT “C”**  
**Precise Planned District P-2006-59**  
**Findings and Conditions of Approval**  
**CCC Medical Building (PLN2006-00059)**  
**2333 Mowry Avenue**  
**May 25, 2006 Planning Commission Hearing**

**FINDINGS:**

The findings below are made on the basis of information provided at the public hearing and contained in the staff report to the Planning Commission dated May 25, 2006, incorporated herein.

Planned District Findings:

- A. The proposed Precise Planned District can be substantially completed within four years of the establishment of the precise plan because the applicant proposes to construct the project, a medical office building, as a single-phase development.
- B. Each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under another zoning district. The proposed precise plan demonstrates proper orientation, desirable design character and a compatible use for the development of the irregularly shaped project site. As conditioned, approval of the project provides the opportunity for redevelopment of a blighted site on the edge of the City's downtown and core medical area on previously four parcels that were assembled for such purpose. A reduction in the building size resulting in sufficient parking being provided, the proposed project as conditioned would not be detrimental to present surrounding uses.
- C. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and the project will not generate traffic in such amounts as to overload the street network outside the "P" district because the cumulative traffic generation anticipated for the project will have less than a significant impact on nearby streets, such as on Mowry Ave., Stivers Street and Dyer Lane. The City's Transportation & Operations Dept. has reviewed the proposed project and concluded that there is a negligible increase on PM peak trip rate caused by the development and use of the proposed project, as conditioned. Conditions also require full street improvements on Dyer Lane (a private street) to serve as part of the proposed access/circulation system, these improvements being necessary for proper circulation and traffic flow.
- D. The proposed medical office use can be justified economically at the location because the General Plan supports adequate medical facilities in an area adjacent to Washington Hospital, as enumerated in the staff report.
- E. Any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with adopted policy of the Planning Commission and City Council. Through the Precise Planned District process, the applicant proposes a project

that appropriately addresses the development policies and goals of a site that has a strong presence on Mowry Avenue on the northern edge of the Central Business District. In addition, full onsite landscaping, as well as full street improvements on both Stivers St. and Mowry Ave. will be required, as conditioned.

- F. The redevelopment of areas surrounding said development could be planned and zoned in coordination and substantial compatibility with the proposed development because the project, as conditioned, is designed to be compatible with the primary existing and future uses of the area related to health services.
- G. The "P" district is in conformance with the General Plan of the City of Fremont. The project conforms to the underlying General Plan land use designation of Office Commercial, particularly as the proposed medical office use is in an area adjacent to Washington Hospital. The applicant proposes a medical office building that is uniquely designed and is an appropriate use at this location.
- H. Existing or proposed utility services are adequate for the proposed project. None of the utility companies have stated they will be unable to provide the required services to the site.
- I. All public improvements or facilities required as a part of this approval are directly attributable to the proposed development, and are required for reasons related to public health, safety and welfare.
- J. The project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures, which have been identified in the initial study and incorporated as conditions of approval for the precise planned district. Accordingly, a Mitigated Negative Declaration has been prepared.

#### Parking Modification Finding:

- K. Based on the evidence provided, and a comparison of similar medical office uses in the immediate vicinity of the project site where parking reductions and/or a reduced parking standard was applied, a reduced parking ratio standard of 1 space per 250 square feet of gross floor area (i.e., all floor areas without exclusions) will not cause a significant impact on surrounding properties.
- L. Due to a condition requiring the applicant to reduce the building size by 2,584 square feet, resulting in a building gross floor area of no larger than 11,750 square feet and application of a 1 space per 250 square feet parking ratio, the 47 off-street spaces and bicycle parking proposed will adequately provide parking for the proposed use.
- M. Due to the site's proximity to alternative transportation (within 1/2 mile of Fremont BART and on an AC Transit bus service line), the recommended 1 space per 250 square feet parking ratio will provide sufficient parking as alternative transportation is a convenient option for employees and the facility's patients.

#### Floor Area Ratio Increase Finding:

- N. An increase in the FAR will not be detrimental to the area streets, sewer lines and/or other public services or to the lighting, air quality or privacy of any other properties in the vicinity of the structure. As conditioned, the proposed project would not have a significant traffic or parking impact on the adjacent streets, nor would cause a significant impact on the anticipated a.m. and p.m. peak hour traffic on these streets. The project as proposed would not be detrimental to the traffic or public services (i.e., fire, park, capital facilities) within the immediate area. The proposed project would not result in a cumulative impact upon the citywide traffic volumes and would not impact the level of service condition, nor would it result in an increase in vehicle trips that otherwise would be generally acceptable for similar uses permitted in the area.
- O. There will be a provision in place guaranteeing the increased FAR will not be used to create a more intensive use than the uses specified by the approved finding. As conditioned, a Land Use Declaration (LUD) will set forth specific provisions and restrictions to ensure that the proposed parking facility for the site is capable of accommodating the intended use and prohibits further building expansions, unless parking (as well as mitigation of other impacts) can be met pursuant to the Fremont Municipal Code. In addition, the LUD allows the staff with the ability to modify the binding provisions or refer it back to the Planning Commission and/or City Council should it be determined that, on the basis of reasonable information, such modifications are necessary.
- P. The proposed project would provide extraordinary benefits to the City. The extraordinary benefit to the City is a relevant and important criterion in that the proposed project would allow for the redevelopment of a blighted site located within the prominent medical area of the City, adjacent to Washington Hospital.

#### CONDITIONS OF APPROVAL:

##### General Conditions

- A-1. The project shall conform to Exhibit "B" (Site Plan, Architectural Elevations, Floor Plans, Building Sections, Preliminary Landscape Plan), as adopted by Ordinance as contained in Exhibit "A".

**The building size shall be reduced to no larger than 11,700 square feet in size. All ancillary rooms, lobbies and covered floor areas shall be included in this calculation. A minimum parking requirement shall be provided at a ratio of 1 space per 250 square feet of gross floor area. No reduction of floor areas is permitted in determining the project's minimum parking requirement.**

Minor modifications to the location and design of the proposed building, landscaping, parking areas and other elements of the above exhibit may be allowed, subject to the review and approval of the Planning Director, if such modifications are in keeping with the architectural design theme, location and size for the proposed project as conditioned herein.

- A-2 Approval of PLN2006-00059 will permit all the same uses permitted in the Administrative Office District, developed in conformance with Exhibit "B" (Site Plan, Architectural Elevations, Floor Plans, Building Sections, Preliminary Landscape Plan).
- A-3 Approval of this Precise Planned District shall be effective only after compliance with the requirements of Public Resources Code, Section 21089, pertaining to payment of fees to the California Department of Fish and Game, to be submitted with the *Environmental Notice of Determination*, **due within five (5) working days after the project approval**. The applicant shall provide to the Development & Environmental Services Department the \$25.00 fee in check form, made payable to the **Alameda County Clerk**.
- A-4 The project will be subject to Citywide Development Impact Fees. The fees include fire protection, capital facilities and traffic impact. The fees shall be calculated at the rate in effect at the time of building permit issuance. The fees will be collected at time of building permit issuance. A fee credit will be provided for the existing structures on the site.
- A-5 The proposed project shall comply with all applicable fire and building code regulations, including the installation of an automatic fire extinguishing system (AFES), a smoke detection system with 24 hour monitoring, and special panic hardware for doors.
- A-6 Mitigation measures are incorporated herein as conditions of approval. The applicant must successfully design, implement and be in compliance with the following during pre-, during- and post-construction:

**Mitigation #1 (During demolition/construction):** To mitigate the identified air quality impacts of grading and construction, the following mitigation measures will be incorporated into the project:

Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions;

Cover stockpiles of sand, soil and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage;

Paving shall be completed as soon as is practicable to reduce the time that bare surfaces and soils are exposed. In areas where construction is delayed for an extended period of time, the ground shall be revegetated to minimize the generation of dust;

Designate a person to oversee the implementation of the dust control program; and,

During construction, streets adjacent to the project site that are used by construction vehicles shall be swept periodically to reduce dust.

Implementation of the above-stated mitigation measures will reduce the identified air quality impacts to a non-significant level.

**Mitigation #2 (During demolition/construction):** Should any human remains or historical or unique archaeological resources be discovered during site development work, the provisions of CEQA Guidelines, Section 15064.5. (e) and (f) will be followed to reduce impacts to a non-significant level.

**Mitigation #3 (Pre-, during and post-construction):** Best Management Practices elements shall be incorporated into the site design to mitigate storm water, drainage, and water quality impacts for the project site.

The project plan shall include erosion control measures to prevent soil, dirt, debris, or other pollutants from entering the storm drain system and natural watercourses during and after construction. A separate plan shall be submitted for this purpose and shall be subject to review and approval of the City Engineer during the Development Organization process. Project construction will be required to adhere to appropriate standards for the construction of the facility, emphasizing storm water Best Management Practices intended to achieve compliance with the goals of the Alameda Countywide Clean Water Program in conformance with the Federal National Pollutant Discharge Elimination System (NPDES) program established by the Clean Water Act.

**Mitigation #4 (Pre-construction):** The approving body shall make a finding, based on substantial evidence, that (a) the implementation of a parking program (e.g., parking agreement, carpooling, flexible hours of operation, doctors and staff parking at other facilities) and single ownership/administrative control of the project site will result in adequate parking provided; and/or, (b), by reducing the size of the medical facility, the planned parking sufficiently accommodates the proposed use. With the incorporation of these measures, or a combination thereof, adequate parking would be provided.

- A-7 The property owner is responsible for contracting with recycling brokers for regular pick-up of recyclable materials.
- A-8 The property owner shall be responsible for litter control and sweeping of all on-site paved surfaces. All on-site storm drains are to be cleaned immediately before the commencement of the rainy season (October 15).
- A-9 The applicant is responsible for the maintenance of all landscaping, and landscaping shall be designed with efficient irrigation to reduce runoff and promote surface filtration and to minimize the use of fertilizers, herbicides and pesticides that could contribute to urban runoff pollution.
- A-10 Trash and recyclables enclosure areas shall be maintained free of litter and any other undesirable materials. Recyclable materials shall not be allowed to accumulate such that a visual or public health and safety nuisance is created.
- A-11 Maintain landscaping in a healthy and attractive condition, free of weeds and debris.



- A-12 The property owner(s) shall agree to and record a written guarantee in the form of a Land Use Declaration (LUD) on the project parcel for recordation with the County Recorder, subject to review and approval by the City Attorney and the Planning Director. The LUD shall set forth specific provisions and restrictions to ensure that the proposed parking facility for the site is capable of accommodating the intended use and prohibits further building expansions, unless parking (as well as mitigation of other impacts) can be met pursuant to the Fremont Municipal Code. In addition, the LUD shall allow staff with the ability to modify the binding provisions or refer it back to the City Council should it be determined that, on the basis of reasonable information, such modifications are necessary. Such undertaking shall be incumbent upon the property owner(s) to obtain the necessary signatures required for execution of the Deed Restriction and cause it to be recorded in the office of the Alameda County Recorder.
- A-13 Construction hours shall be limited in accordance with Section 8-2205 of the Fremont Municipal Code, and notes to this effect shall be placed on the cover sheet of the construction plans and on an all-weather notice board (format and content specified by City) conspicuously placed adjacent to the most visible right of way for the duration of the construction activity as follows:
- a. Monday-Friday, 7 a.m. to 7 p.m.
  - b. Saturday & Holiday, 9 a.m. to 6 p.m.
  - c. Sunday, no construction activity allowed
- A-14 The Applicant shall defend, indemnify and hold harmless the City of Fremont, its agents, officers and employees (collectively "City") from and against any claim, action or proceeding against the City to attack, set aside, void or annul any approval of the City concerning this application. City will promptly notify the Applicant of any such claim, action or proceeding against the City, and will cooperate fully in the defense.

**Site Planning (Prior to issuance of building permit)**

- B-1 Special paving shall occur at all driveway entrances to break-up the expanse of asphalt proposed in the garage and at the rear of the site.
- B-2 Site lighting shall not be directed onto adjacent properties. Type of lighting fixtures, their heights, intensity and direction shall be clearly indicated. A photometric light distribution plan shall be submitted for Development Organization review. Lights shall utilize "vandal resistant" enclosures. All site lighting shall be subject to the review and approval of the Development Organization.
- B-3 Signage is not a part of this review. The applicant shall apply to the Development Services Center for a Planned Signed Program that will be subject to review in accordance with the Fremont Municipal Code, Article 21, Sign Regulation.
- B-4 As approved by the Development Organization staff, driveway and travel aisles shall be provided with adequate width and turning radii to provide unobstructed access for trash, recycling collection and emergency vehicles.
- B-5 The proposed bicycling parking flanking the entrance to the secondary stairwell adjacent to Stivers St. shall be relocated to allow clear pedestrian access to the second entrance.

- B-6 The applicant shall work with Development Organization staff to redesign the rear parking lot area to reduce the number of compact spaces along the interior lot line.
- B-7 The final location and architectural treatment and design of the trash enclosure will be subject to review and approval of Development Organization staff.
- B-8 The planting and special paving shown on the site plan shall be revised to be coordinated with the landscape plan (Sheet L1.0, Exhibit "B").

**Building Design (Prior to issuance of building permit)**

- C-1. Building lighting/sconces shall be designed to architecturally integrate with the building design and consist of non-glare type fixtures and shall not be directly visible from public right-of-way.
- C-2 The window system shall be recessed at least 4 inches to give an impression of wall thickness and solidity, while also creating increased shadow lines.
- C-3 An architecturally integrated and substantial metal overhead protective barrier shall be installed at the two openings providing vehicular entrance/exit to protect the building from accidental damage that may be caused by larger vehicles (Condition C-3).
- C-4 The metal awnings shall be changed to glass awnings (such as a light bronze glazing to reduce heat and UV light transmission) to create a more striking element on the building.
- C-5 Architecturally treated low screen walls shall be included at the base of the building at its openings on the north elevation facing Stivers St. to screen parked cars within the at-grade podium garage. Including the screen walls will not only further accentuate the base of the building but will also help anchor the building, providing a stronger connection to the street.
- C-6 All mechanical equipment shall be adequately screened. All roof-top mechanical equipment shall be adequately screened with the proposed 4-foot parapet wall.

**Landscape Design (Prior to issuance of building permit)**

- D-1 The following trees are to be preserved: Chinese Pistache City street tree on Stivers and all existing trees on adjacent properties with the exception of the 20" Walnut at the project boundary near Dyer Lane.
- D-2 Onsite tree planting shall be provided with the following exceptions:
- A multi-stem specimen tree (36" box Crape Myrtle or Acer 'Sango Kaku') shall be installed in a circular seat planter with a minimum 6' diameter planting area.
  - Replace the selection of Arbutus unedo 'Compacta' with Arbutus 'Marina'.
  - Remove the 20" Walnut tree with the consent of the adjacent property owner and mitigate with a 24" box size tree.

- D-3 One additional street tree is required on Stivers. Species to match existing (Chinese Pistache) and shall be installed per City Standard. Install as 24" box size. Check if irrigation is provided to the other existing tree well on Stivers; if not, upgrade to City Standard.
- D-4 With the exception of limited areas to be planted with annual color, groundcover planting shall be installed as 1 gallon size.
- D-5 Branches from mature trees may not overhang buildings and roofs. Adequate space to plant trees adjacent to buildings or other built features must be provided in the following minimum ways:
- a) Small trees (to 15 feet tall) no closer than 6 feet from building or 2 feet from paving, curbs, or walls with a minimum planting area 5 feet wide.
  - b) Medium trees (to 30 feet tall) no closer than 10 feet from building or 3 feet from paving, curbs, or walls with a minimum planting area 6 feet wide.
  - c) Large trees (above 30 feet tall) no closer than 15 feet from building or 3 feet from paving, curbs, or walls with a minimum planting area 6 feet wide, preferably 8 feet wide.
- D-6 All planting areas containing trees shall be free of all Utility Structures (including light standards) and other built features consistent with the spacing requirements of City Standard Detail LSD-5 City Standard Street Tree Clearances.
- D-8 All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect.
- D-9 Any minor modifications to the landscape conditions (D-1 through D-8) shall be subject to the review and approval of the City's Landscape Architect.

**Engineering Conditions (Prior to issuance of building permit/During Construction)**

- E-1 The developer shall dedicate right-of-way and install complete street improvements to the centerline of Mowry Avenue along the project frontage. Mowry Avenue is a six-lane arterial with a planned half-street right-of-way width of 64 feet. Required street improvements include, but are not limited to: removal of the existing curb, gutter, sidewalk, and asphalt berm; installation of new curb, gutter, sidewalk, street trees, conform pavement, a new curb ramp at the intersection of Mowry Avenue and Stivers Street; and modification to the existing signing and striping at the intersection.
- E-2 The developer shall install complete street improvements to the centerline of Stivers Street along the project frontage. Required street improvements include, but are not limited to: removal of the existing curb, gutter, sidewalk, and driveways; installation of new curb, gutter, sidewalk, street trees, driveways, and conform street pavement.
- E-3 The developer shall widen the private road right-of-way and install complete street improvements on Dyer Lane from Stivers Street to the southeastern boundary of the project site (a distance of approximately 140 feet). The easement shall be widened by a minimum of two feet along the project frontage. Required street improvements include, but are not limited to: installation of curb, gutter, sidewalk, driveway along the project frontage; installation of pavement, a minimum of 20 feet wide; and relocation of two existing utility poles and utility modifications associated with the pole relocation.

- E-4 Precise geometry and location of all driveways shall be subject to approval of the City Engineer.
- E-5 The developer shall request P.G.&E. to commence with the design of the utility relocation and underground work for the proposed development after City Council approval of Planned District.
- E-6 The developer shall submit a detailed geotechnical report, including recommendations regarding pavement structural sections, prepared by a qualified engineer registered by the State of California. The soils report shall include specific recommendations for on site pavement areas that will experience repeated exposure to heavy vehicle loads. The project plans shall be designed in accordance with the required geotechnical report.
- E-7 An encroachment permit is required for all street improvements and other construction within the public right-of-way, Mowry Avenue and Stivers Street. The encroachment permit will be issued prior to or concurrently with the building permit.
- E-8 The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with NPDES permit requirements issued by the State's Water Quality Control Board.
- E-9 In accordance with the Alameda Countywide NPDES Municipal Stormwater Permit, Order R2-2003-0021, NPDES Permit No. CAS0029831, the property owners shall enter into a maintenance agreement for the long-term operation and maintenance of stormwater treatment measures. The agreement shall run with the land and be recorded at the same time that the final map is recorded.
- E-10 The property owner is responsible for litter control and for sweeping of all paved surfaces. Sidewalks, parking lots, and other paved areas must be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged to the storm drain.
- E-11 All public and private storm drain inlets are to be stenciled "No Dumping - Drains to Bay" using thermoplastic stencils purchased from the City of Fremont Maintenance Division. Alternative inlet stencils or marking may be permitted, subject to City Engineer approval during final map and subdivision improvement plan checking.
- E-12 All on-site storm drains must be cleaned at least once a year immediately prior to the rainy season. Additional cleaning may be required by the City of Fremont.
- E-13 For air conditioning units, air conditioning condensate should be directed to landscaped areas or alternatively connected to the sanitary sewer system after obtaining permission from Union Sanitary District. Any anti-algal or descaling agents must be properly disposed of. Any air conditioning condensate that discharges to land without flowing to a storm drain may be subject to the requirements of the State Water Resources Control Board's (SWRCB) Statewide General Waste Discharge Requirements (WDRs) for Discharges to Land with a Low Threat to Water Quality.
- E-14 Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever practicable.

- E-15 All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution.
- E-16 The property owner shall prepare and implement a plan for pavement sweeping and cleaning of all storm drain inlets.
- E-17 The project storm drain system shall conform to City standards and shall be subject to review and approval of the City Engineer. Drainage calculations shall be submitted with the grading and drainage plans for the project.
- E-18 The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The plans will also include storm water measures for operation and maintenance of the project.
- E-19 The developer is responsible for ensuring that all contractors and subcontractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.

**Prior to Release of Building for Occupancy**

- H-1. The project architect shall submit a letter to the City certifying the building has been constructed in conformance to the approved architectural plan, subject to the review and approval of the Development Organization staff.
- H-2. The project engineer-of-record shall submit a letter to the City certifying the site grading and drainage are in conformance with the approved grading and drainage plan, subject to the review and approval of the Development Organization staff.
- H-3 The project landscape architect-of-record shall submit a letter to the City certifying the landscaping and irrigation are in conformance with the approved landscape plan, subject to the review and approval of the Development Organization staff.